

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
SPARTANBURG DIVISION

United States of America,	)	Cr. No.: 7:90-cr-00310
	)	
	)	
	)	<b>ORDER</b>
	)	(Written Opinion)
v.	)	
	)	
Ronald Eugene Rice,	)	
	)	
Defendant.	)	
_____	)	

This matter comes before the Court on the defendant's fifth and sixth Motions to Amend Judgement filed on November 4, 2008 and November 12, 2008. The defendant again argues that he is entitled to a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission (the Commission) pursuant to 28 U.S.C. § 994(u). The Court issued an order stating that the defendant is not entitled to a reduction under the amendment on July 14, 2008. The Court amended its Order on July 28, 2008 to correct an incorrect date in the Order and in the Sentence Reduction Report. The Court denied two additional Motions to Reconsider on October 20, 2008 and on October 29, 2008. The Court has reviewed the record and the law for a fifth time and nothing therein compels this Court to change, alter, or amend its Order in any way. For the reasons stated herein, the

  
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defendant's fifth and sixth motions to reconsider are denied. This Court will not consider any additional motions on this issue.

Defendant brings this claim *pro se*. This Court is required to construe *pro se* pleadings liberally. Such pleadings are held to a less stringent standard than those drafted by attorneys. *Gordon v. Leeke*, 574 F.2d 1147, 1151 (4th Cir. 1978). This Court is charged with liberally construing a pleading filed by a *pro se* litigant to allow for the development of a potentially meritorious claim. *Boag v. MacDougall*, 454 U.S. 364, 365 (1982).

The defendant has filed his motions presenting essentially the same facts and arguments asserted in his initial Motion for Retroactive Application of Sentencing Guidelines under 18 § U.S.C. 3582. Defendant requests the Court to reconsider its Order denying the reduction pursuant to the retroactive amendment. The court has reviewed the defendant's motion and exhibits to the motion as it has for each motion. The Court again finds that the defendant's position is without merit. The defendant is again instructed that the proper appellate forum is the Fourth Circuit Court of Appeals.

The Court has ruled on the defendant's motion. The defendant has had his day in court. The defendant's continued filing of the same motion is an abuse of the judicial system. The defendant is prohibited from filing additional motions on this issue in this court. Violation of this order will subject the defendant to possible contempt of court subjecting the defendant to additional jail time and a possible fine.

  
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IT IS THEREFORE ORDERED that the defendant's motions be DENIED.

IT IS ORDERED that the defendant not file any additional motions on this issue in this court violation of this order will subject the defendant to contempt of court proceedings resulting in possible additional jail time or a fine.

IT IS SO ORDERED.



G. Ross Anderson, Jr.  
United States District Judge

Anderson, South Carolina  
January 8, 2009

**NOTICE OF RIGHT TO APPEAL**

Pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure, the defendant has the right to appeal this Order within sixty (60) days from the date of its entry. Failure to meet this deadline, as modified by Rule 4 of the Federal Rules of Appellate Procedure, will waive the right to appeal.